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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/904,056	07/31/1997	TODD D. LINDSEY	450.156US1	3259

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EXAMINER

NELSON, ALECIA DIANE

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 06/17/2003

31

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/904,056

Applicant(s)

LINDSEY, TODD D.

Examiner

Alecia D. Nelson

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. ***Claims 1, 8, 12, and 16*** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no disclosure in the specification describing a second control (third control as defined in claim 16) for controlling a second multimedia device. The specification discloses, with reference to Fig. 1a, the usage of three multimedia controls (13, 15, 17) however, fail to state that one of the multimedia controls is for controlling one multimedia device and another of the multimedia controls is for controlling another multimedia device. More specifically, with reference to Fig 1b, the specification discloses the usage of multimedia controls (18) which permit a user to control a multimedia device, however also fails to state that one of the multimedia controls is for controlling one multimedia device and another of the multimedia controls is for controlling another multimedia device (see page 6, line 17-page 8, line 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. ***Claims 1-18*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss (U.S. Patent No. 6,208,384) in view of Choi (U.S. Patent No. 5,648,781).

Schultheiss teaches a system for providing information to a television using a personal computer comprising a computer (12) having at least a processor (20, 20a) and a memory (32), a multimedia device (40) operatively coupled to the computer (12), and a pointing device (50) operatively coupled to the computer (12) and having at least one control (62) to control only the multimedia device, wherein the pointing device only couples to the computer (see figure 4) and wherein the at least one control (62) to control only the multimedia device (40) is operable without regard to orientation of the pointing device (see column 7, lines 4-30). The pointing device (50) has at least one control (62) to control only the multimedia device (40) such that actuation of a control causes the computer to change a functionality of the multimedia device (40) associated with the control (see column 5, lines 54-55, column 7, lines 30-40). Schultheiss also teaches that pointing device (50) for a computer operatively coupled to a multimedia

device comprising a housing (52), at least one mouse button (66a, 66b) disposed within the housing (52), a component (64) disposed within the housing to signal directional movement to the computer (see column 5, lines 59-65).

Schultheiss fails to specifically teach that the pointing device further includes a second and third control operative to control a second multimedia device through the computer. However, it is taught that a software package is preferably loaded onto the personal computer and uses the personal computer's processor and memory. The software also downloads remote control codes for television, thus enabling the viewer to control the particular television with the system's hand held remote control. All known codes may be maintained in a database, which is accessible by the viewer. These codes may enable operation of any television, satellite receivers or VCRs (see column 9, lines 1-8). Therefore it is taught that it is possible to operate a device other than the television (40).

Choi teaches a remote control method and apparatus thereof which performs the remote control of electrical appliances using control menus corresponding to functions of the electrical appliance which are displayed on a television screen and selected by using a trackball installed on the remote control apparatus (see abstract). It is taught in the summary of the invention, that in order to accomplish one aspect of the object of the invention there is provided a remote control apparatus for performing the remote control of electrical appliances including a television, in which menu icons with predetermined control contents are displayed on the screen of the television. It is also taught that in order to accomplish another aspect of the above object, there is provided a remote control method for performing the remote control of electrical appliances including a television connected with the electrical appliances, in which menu icons having predetermined control contents for controlling the television and electrical appliances, a

main menu, sub-menus pertaining thereto and control modes of the sub-menus, and a cursor are displayed on the screen of the television (see column 1, lines 27-57). Figure 3, illustrates an apparatus according to the invention comprising a remote controller (50), and an electrical appliance (52). The remote controller (50) includes a trackball (54), a trackball movement sensor (56), a control commander (62), and a transmitter (64). The electrical appliance (52) comprises a receiver (66), a menu storage unit (70), and a menu display control unit (see column 3, line 60-column 4, line 8). The signals transmitted from the transmitter (64) of remote controller (50), are received by the receiver (66) of the television (52). Then, by the user pressing the menu key of the remote controller (52), menu display circuit (68) displays the various menus of a television and other electrical appliances connected therewith, which are stored in menu display storage unit (70) (see column 4, lines 22-34).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the remote control device of Choi, which allows the pointing device to include a second and third control operative to control a second multimedia device through the electrical appliance, to the system as taught by Schultheiss in order to thereby provide a multimedia device capable of operating more than one device through a personal computer and thereby providing a user-friendly operation of electrical appliances which reduces processing and memory.

5. **Claims 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss.

With reference to **claims 19 and 21**, Schultheiss teaches a system for providing information to a television using a personal computer comprising a computer (12)

having at least a processor (20, 20a) and a memory (32), a multimedia device (40) operatively coupled to the computer (12), and a pointing device (50) operatively coupled to the computer (12) and having at least one control (62) to control only the multimedia device, wherein the pointing device only couples to the computer (see figure 4) and wherein the at least one control (62) to control only the multimedia device (40) is operable without regard to orientation of the pointing device (see column 7, lines 4-30). The pointing device (50) has at least one control (62) to control only the multimedia device (40) such that actuation of a control causes the computer to change a functionality of the multimedia device (40) associated with the control (see column 5, lines 54-55, column 7, lines 30-40). Schultheiss also teaches that pointing device (50) for a computer operatively coupled to a multimedia device comprising a housing (52), at least one mouse button (66a, 66b) disposed within the housing (52), a component (64) disposed within the housing to signal directional movement to the computer (see column 5, lines 59-65).

Schultheiss fails to specifically teach, with reference to claim 19, that the remote control device as a mouse, wherein the rolling device is located within the bottom of the housing and signals are generated indicative of movement of the rolling device moved on a surface. However, the remote control device of Schultheiss includes a roller ball, located on the top of the housing, and actuating keys associated with the roller ball and also have functions of controlling a cursor as in conventional mouse devices. Furthermore, the usage of mouse device and the usage of a trackball device interchangeably is well known to those skilled in the art. With reference to **claims 21 and 22**, Schultheiss fails to specifically teach that the at least one control (62) is for volume control, which is located on the side of the pointing device. However, the usage of a volume control is well known and common to most remote control devices.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the device of Schultheiss to operate similar to a mouse and have a volume control button(s) in order to provide a user-friendly remote control device for controlling electrical appliance in a multi-media system.

Response to Arguments

6. Applicant's arguments filed 3/25/03 have been fully considered but they are not persuasive. The arguments made by the applicant concerning the 112 rejection of the claims has been considered, however the examiner fails to understand how the cited portion of the specification (i.e. page 11, lines 15-22) disclose a multimedia control for controlling only the multimedia device. The cited portion of the specification only discloses how the computer retrieves control information from a particular data packet. There is no disclosure in this section, which teaches the multimedia controls being used only for controlling the multimedia control. Further with respect to the applicant's arguments concerning the 103 rejection of the claims, the examiner finds these arguments moot, considering the rejection as applied above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2675

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 2023; or faxed to: (703) 872-9314, (for Technology Center 2600 only). Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703)305-0143 between the hours of 8:00 a.m and 5:00 p.m. on Monday-Friday.

If attempts to reach the above examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703)305-9720.

adn/ADN
6/11/03



STEVEN SARAS
SUPERVISORY PATENT EXAMINER
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